

## Investigative and Enforcement Services

# Settlement Agreement

USDA, APHIS, IES  
4700 River Road, Unit 85  
Riverdale, MD 20737  
Phone: (301) 734-8684  
Fax: (301) 734-4328

**RESPONDENT:****1<sup>st</sup> Address**

Richard Janser  
City of Albuquerque  
DBA: Albuquerque  
Biological Park  
903 10<sup>th</sup> Street, South  
West  
Albuquerque, NM 87102

**2<sup>nd</sup> Address****Registered Agent:**

Robert J. Perry  
City Attorney  
One Civic Plaza NW  
4th Floor, Room 4015  
Albuquerque NM 87102

**CASE NUMBER** NM10012-AC**DUE ON OR BEFORE** March 10, 2011  
**CONTACT** [REDACTED]  
**PHONE** [REDACTED]**DATE****CITATION****DESCRIPTION**

See Attached Pages  
Page 1 of 2

**PENALTY**

\$8,286

**TERMS**

Titles 7, 15, 19, and 21 of the United States Code authorize the Secretary of Agriculture, after providing notice and opportunity for a hearing, to impose civil penalties and other sanctions to resolve violations.

Prior to the issuance of a formal complaint seeking sanctions under the Act, The Department may enter into a stipulation to resolve the above-described violations. Your payment constitutes a waiver of your right to a hearing, a finding that the violations of law have occurred, and settlement of such violations.

If you do not pay the specified penalty within the designated time or wish to exercise your right to a hearing, this matter will be forwarded to the Office of the General Counsel for litigation. The penalty offered in this stipulation is not relevant to the sanctions the Department may seek, or that will be assessed, upon issuance of a formal complaint.

**Signature of Respondent:****Date:****PAYMENT RECORD - FOR IES USE ONLY**

Payment Type	Date	Amount	Signature of IES Representative

<u>DATE</u>	<u>CITATION</u>	<u>DESCRIPTION</u>
11/05/2008	9 CFR 3.127(d)	<b><u>Facilities.</u></b> Respondent failed to enclose all outdoor housing facilities by a perimeter fence that was of sufficient height to keep animals and unauthorized persons out. Respondent did not maintain the fence so that it could function as a secondary containment system for the animals in the facility. A large pile of logs pressing against the perimeter fence adjacent to the elephant enclosure caused the fence to sag, reducing its height.
11/05/2009	9 CFR 3.75(c)(1)(i)	<b><u>Housing Facilities.</u></b> Respondent failed to maintain surfaces coming in contact with nonhuman primates free of excessive rust that prevents the required cleaning and sanitization or affects the structural strength of the surface. Respondent failed to prevent or remove excessive rust from the shift doors of the holding area for two Siamangs.
	9 CFR 3.75(c)(1)	<b><u>Housing Facilities.</u></b> Respondent failed to construct the surfaces of housing facilities—including perches, shelves, swings, boxes, houses, dens, and other furniture-type fixtures or objects within the facility—in a manner and of materials that allow them to be readily cleaned. Respondent had not repaired peeling paint on the walls and floors of an off-exhibit primary enclosure for two Siamangs; broken concrete in the entrance to the off-exhibit area for orangutans; and chipped paint and damaged epoxy surfaces in the transfer corridors for gorillas and orangutans.